



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,038	02/09/2001	Jeff Nodorft	0-11A	1599

7590

01/13/2003

James A. Flight, Esq.  
Marshall, O'Toole, Gerstein, Murray & Borun  
233 South Wacker Drive  
Chicago, IL 60606-6402

EXAMINER

MELWANI, DINESH

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 01/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

<b>Office Action Summary</b>	<b>Application No.</b> 09/781,038	<b>Applicant(s)</b> NODORFT, JEFF	
	<b>Examiner</b> Dinesh N Melwani	<b>Art Unit</b> 3677	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 April 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) 14,16-18,39,43-45 and 57-60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13,15,19-38,40-42,46-56 and 61-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6/7</u> . | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 3677

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species 1 (i.e., Figs. 1-13) in Paper No. 8 is acknowledged.
2. Claims 14, 16-18, 39, 43-45, and 57-60 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

### ***Information Disclosure Statement***

3. The information disclosure statements (IDS) submitted on 05/20/02 and 10/07/02 in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Acknowledgement is made of applicant's submission of:

Declaration and Fee filed on 05/04/01

Preliminary Amendment A filed on 04/29/02

The aforementioned items have been noted and officially inserted into the application.

Art Unit: 3677

***Specification***

4. The disclosure is objected to because of the following informalities: Syntax error on page 3, line 11. The examiner suggests removing the word "to".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 5, 26, and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 5, 26, and 49 recite the limitation "the flexible elongated member" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 4, 5, 7, 8, 11, 15, 22, 23, 25, 26, 28, 32, 38, 46, 48, 49, 50, 51, 52, 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Wolf *et al.* (U.S. Patent No. 2,703,247).

Wolf discloses a door-latching system as claimed; wherein said latching system comprises a

Art Unit: 3677

latch assembly (76) mountable adjacent to the a sectional door (20) and being moveable from a maintained release position to a door-blocking position in response to movement of the sectional door; wherein the latch assembly is able to remain in the maintained release position to allow at least some of a plurality of door panels to travel past the latch assembly, and in further response to further movement of the plurality of door panels, the latch assembly subsequently moves to the door-blocking position to obstruct closing movement of the door panels. In regards to claims 2, 46, and 51, Wolf's latch assembly also includes a traveling member (126). As it concerns claims 4, 25, and 48, Wolf discloses a release member coupled to the latch assembly (102), see Fig. 4. Regarding claims 5, 26, and 49, Wolf further comprises a pliable elongated member (124) coupled to latch assembly. As it concerns claims 7, 8, 15, and 28, Wolf's latch assembly also includes a sensing member (A, i.e., the underside of nose (92), see col. 3, lines 39-42. Furthermore, sensing member (A) is pivotally mounted to the latch assembly via rivet (90). Regarding claim 11, Wolf's latch assembly further includes an actuating member (12) that moves the latch assembly between its maintained release position and its door-blocking position. As it concerns claim 22, 54, and 55, Wolf's plurality of door (20) panels upon moving from the closed position to the open position exert a motive force via strike pin (126); wherein said motive force moves the latch assembly from the maintained release position to the door blocking position via the actuating member. As it concerns claims 32, 50, and 52, Wolf's sensing member (A) is an actuating member (i.e., latch bar (88)) for moving the latch assembly to the door blocking position. In regards to claim 38, Wolf discloses a door-latching system as claimed; wherein said system comprises a sensing member (A), a latch member (88), and actuating member (i.e. the camming portion associated with nose (92)).

Art Unit: 3677

9. Claims 1, 2, 3, 7-10, 12, 13, 15, 20, 23, 24, 28, 29-31, 33, 38, 40, 41 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Lambert (U.S. Patent No. 3,258,062). Lambert discloses a door-latching system comprising a latch assembly (40) mountable adjacent to the sectional door (11) and being moveable from a maintained release position to a door-blocking position in response to movement of the sectional door; wherein the latch assembly is able to remain in the maintained release position, and in response to further movement of the plurality of door panels (12), the latch assembly subsequently moves to the door-blocking position to obstruct closing movement of the door panels, see Fig. 4. In regards to claims 2, 13, and 20, Lambert includes a traveling member (108). In regards to claims 7 and 8, Lambert further includes a pivotal sensing member (94) moveably mounted within the latch assembly and adapted to be moved by a traveling member. Regarding claims 9, 10, and 33, Lambert's traveling member (i.e. guide roller) (108) includes a pivotal arm (i.e., the periphery of guide roller); wherein said guide roller pivots about shaft (106) and engages sensing member (94). Furthermore, movement of sensing member (94) provides motive force to the latch member. In regards to claims 12 and 29, Lambert's actuating member (84) is pivotally mounted within said latch assembly. As it concerns claim 3, 24, and 47, Lambert's latch assembly in the door-blocking position obstructs downward movement of the plurality of door panels by engaging a guide roller (108) associated with the sectional door (11). As it concerns claim 23, Lambert discloses a traveling member (108); wherein said traveling member is guide roller (108). In regards to claims 30, 31, 40, and 41, as seen in Fig. 4, Lambert's sensing member (94) is coupled to the actuating member (84) and wherein the pivotal actuating member (84) is the sensing

Art Unit: 3677

member (94). As it concerns claim 38, Lambert discloses a sensing member (94), a latch member (88), and actuating member (84).

10. Claims 1, 3, 6, 23, 24, 27, 38, 42, and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Forehand (U.S. Patent No. 5,533,561). Forehand discloses a door-latching system comprising a latch assembly (23) mountable adjacent to the sectional door (11) and being movable from a maintained release position to a door-blocking position in response to movement of the sectional door; wherein the latch assembly is able to remain in the maintained release position to allow at least some of the plurality of the door panels (25) to travel past the latch assembly, and in response to further movement of the plurality of door panels, the latch assembly subsequently moves to the door-blocking position to obstruct closing movement of the plurality of door panels by obstructing the guide rollers (31). As it concerns claims 6, 27, and 42, Forehand's latch assembly includes a latch member (61) that moves linearly between the maintained release position and the door-blocking position. As it concerns claim 23, Forehand also includes a latch assembly (23) and a traveling member (95). In regards to claim 38, Forehand further includes a sensing member (87) and an actuating member (68). For the purposes of clarification, the Forehand device anticipates the aforementioned claims because it discloses all of the structural limitations of said claims.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3677

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 21, 34, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf *et al.* (U.S. Patent No. 2,703,247) in view of Schultz (U.S. Patent No. 4,618,177). Wolf discloses a door-latching system substantially as claimed, but does not include a second latch assembly mountable adjacent to the sectional door, wherein the second latch assembly engages the traveling member in response to the plurality of door panels moving to the closed position, thereby inhibiting the door panels from moving to the open position. Schultz discloses a latching mechanism that teaches the use of a first latch portion associated with the door when the door is in a closed position and a second latch portion associated with the door when the door is in a raised position (i.e., an opened position). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to utilize the teachings of Schultz, in regards to a second latch to inhibit the door from moving to an open position, to reinforce the door while in the closed position, thereby resisting unauthorized opening of said door.

13. Claims 35-37, 56, and 61-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf *et al.* (U.S. Patent No. 2,703,247) in view of Lambert (U.S. Patent No. 3,258,062), Forehand (U.S. Patent No. 5,533,561), and Schultz (U.S. Patent No. 4,618,177). The method of operating a sectional door as recited by the applicant in claims 35-37, 56, and 61-64 are deemed inherent based on the structure of the prior art of record. Since the teachings of the references taken as a whole necessitate the steps described in said method, it would have been obvious to one having ordinary skill in the art at the time the invention was made to carry out the necessary steps described by said method.

Art Unit: 3677

***Conclusion***

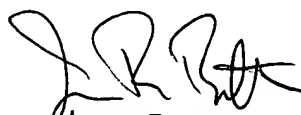
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Clark (U.S. Patent No. 5,489,130), Hayward (U.S. Patent No. 3,996,591), Emon (U.S. Patent No. 4,884,831), D'Anna (U.S. Patent No. 4,443,033), White *et al.* (U.S. Patent No. 6,382,005), Hahn (U.S. Patent No. 5,001,861), Niswonger (U.S. Patent No. 4,996,795), Mullet *et al.* (U.S. Patent No. 6,145,570), Karpisek (U.S. Patent No. 5,683,124), Horn (U.S. Patent No. 6,042,158), Gabry (U.S. Patent No. 4,385,471), and Westerman (U.S. Patent No. 4,080,757) substantially discloses the present invention as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546. The examiner can normally be reached on M-F, 8:30-6 except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

DNM  
January 8, 2003

  
James R. Brittain  
Primary Examiner